



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,194	11/08/2001	Dominique Busseuil	1001-066	2143
7590	11/28/2003		EXAMINER	
Eric M. Dobrusin Dobrusin & Thennisch PC Suite 311 401 South Old Woodward Avenue Birmingham, MI 48009			CHANG, VICTOR S	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b> 10/008,194	<b>Applicant(s)</b> BUSSEUIL ET AL.	
	<b>Examiner</b> Victor S Chang	<b>Art Unit</b> 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Examiner has carefully considered Applicant's amendments and remarks filed on 9/9/03. Applicant's amendments to claims 1, 3, 4 and 27, cancellation of claims 28-31, and newly added claims 33-35 have all been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

#### ***Claim Rejections - 35 USC § 112***

4. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, line 3, the phrase "internally of" appears vague and indefinite, for the purpose of this Office Action, it is presumed to mean "between".

#### ***Response to Amendment***

5. Claims 1-27 and 32-35 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hopton et al. (US 6253524), substantially for the reasons set forth in sections 4 and 6 of Paper No. 0620, together with the following additional observations.

It is noted that newly amended claim 1, line 3, now recites in part "a plastic reinforcing member". While Hopton lacks an express teaching of a reinforcing member formed of plastic material, it is believed that forming a plastic reinforcing member is well known, as evidenced by the state of the art Wycech (US 5992923), which is directed to a reinforced beam assembly, and Wycech expressly teaches that an inner reinforcing member is preferably made of metal, but other materials such as plastic can also be used (column 2, lines 57-60). Since the remaining amendments to claim 1 are formality to overcome the prior rejection over 35 U.S.C. 112, second paragraph (see Paper No. 0620, page 2), the rejection over Hopton is still deemed to be proper.

With respect to Applicants' argument that "it appears that the Office Action rejected claim 21 and its dependents 22-32 without considering entire phrases of claim 21. In particular, the Office Action does not appear to consider language of claim 21 reciting that the pair of ribs are "extending the length of said structural reinforcing member." Moreover, the Office appears to ignore the entire phrase that reads, "wherein said unfoamed expansive adhesive material is dry and not tacky to the touch prior to activation of said material." (Remarks, page 9, third paragraph), the Examiner repeats (see Paper No. 0620, page 6) that Claims 21-32 essentially contain the same claimed elements of claims 1-20, as such they are also rejected for the reasons as set forth above. More particularly, regarding the recitation that the pair of ribs is "extending the length of said structural reinforcing member", the Examiner repeats (see Paper 0620, page 5, top paragraph) that Hopton clearly shows in Fig 1 that the expandable material is placed between the walls (or ribs), and in Fig 8, that a series of pairs of walls (or ribs)

are intermittently provided along a certain length of the reinforcing member. It should be noted that in the absence of an express recitation regarding the limitation of "length", the Examiner must apply the broadest reasonable interpretation to the term "length", which encompasses intermittently providing the walls (or ribs) along a certain length of the reinforcing member. Finally, regarding Applicants' contention that the Examiner ignored the recitation "wherein said unfoamed expansive adhesive material is dry and not tacky to the touch prior to activation of said material", the Examiner notes that claim 1, lines 3-4, recites "an expandable material that is substantially dry to the touch prior to activation", Applicants' argument to the contrary notwithstanding.

For newly added claim 33, Hopton clearly shows in Fig 1 that the expandable material is placed between the walls (or ribs), and the walls are located between the opposite edges.

For newly added claim 34, Hopton clearly shows in Fig 1 that the reinforcing member has a U-shape cross-section.

For newly added claim 35, it essentially contain the same claimed elements of claims 1-27 and 32-33, as such they are also rejected for the reasons as set forth above.

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 1771

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

VSC

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1300-

1700

*Daniel Zinker*